#### STATE OF VERMONT

### HUMAN SERVICES BOARD

In re		)	Fair	Hearing	No.	15,315
		)				
Appeal	of	)				

# INTRODUCTION

The petitioner appeals the closure of his wife's

Vermont Health Access Program (VHAP) medical benefits. The issue is whether the family's income is in excess of the program maximum.

# FINDINGS OF FACT

The facts are not in dispute. The petitioner and his wife have combined gross income of \$1461.00 a month. The petitioner's income is from Social Security benefits--\$672. His wife's income, \$789, is from her employment. The petitioner, whose wife has significant recurring pharmacy expenses, takes issue with the lack of a provision in the regulations for a deduction from her income for those expenses.

### ORDER

The Department's decision is affirmed.

## **REASONS**

Under the VHAP regulations gross earnings from employment are considered in determining eligibility, and the only deductions allowed are for self-employment business

<sup>&</sup>lt;sup>1</sup>The petitioner's wife works as a chambermaid and her hours vary seasonally. The petitioner was advised to reapply if his wife's income decreases.

expenses, a standard employment expense, and dependent care expenses. W.A.M.  $\ni$  4001.81(c). The petitioner's wife is not self-employed and she has no children. Therefore, the only deduction for her allowed in the regulations is the standard employment expense of \$90. <u>Id</u>.  $\ni$  4001.81(e). This brings the family's countable income to \$1371.80 a month.

Under the current regulations (see W.A.M.  $\ni$  4001.84) the maximum allowable income for two persons is \$1327 a month. Procedures Manual  $\ni$  2420. Unlike the Medicaid program, there is no provision in VHAP for a determination of "applied income" or a "spenddown", by which the incurring of a predetermined amount of excess medical expenses within a six-month period can trigger eligibility at that point. Being only slightly overincome, the petitioner and his wife would clearly benefit from such a provision. At present, however, there is no provision in the VHAP regulations for the consideration of medical expenses (or any other household expenses) as a deduction from gross income.

Inasmuch as the Department's determination in this case is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A.  $\ni$  3091(d) and Fair Hearing Rule No. 17.

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